

GORDON C. YOUNG, CASB NO. 158100
gordon.young@kyl.com
GARRETT R. WYNNE, CASB NO. 220665
garrett.wynne@kyl.com
KEESAL, YOUNG & LOGAN
450 Pacific Avenue
Four Embarcadero Center
San Francisco, California 94113
Telephone: (415) 398-6000
Facsimile: (415) 981-0136

Attorneys for Defendant and Third Party Plaintiff
WEDBUSH MORGAN SECURITIES INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ACORN CAPITAL GROUP, LLC.,) Case No. C 06 1674 JSW

Plaintiff,

vs.

**STIPULATION AND [PROPOSED]
ORDER FOR VACATING TRIAL DATE**

WEDBUSH MORGAN SECURITIES INC.)
and MAX SAFDIE,)

Defendants.

AND RELATED CROSS-ACTION

I. INTRODUCTION

On August 29, 2008, following a Settlement Conference before the Honorable Bernard Zimmerman, the parties reached a settlement, the terms of which were placed on the record and so ordered by Magistrate Judge Zimmerman. Accordingly, the trial of this matter – *currently set to commence on September 8, 2008* – is to be vacated.

Pursuant to the terms of the so-ordered settlement, defendant Wedbush Morgan Securities (“Wedbush”) is to pay an agreed-upon sum to plaintiff Acorn Capital Group (“Acorn”) on or before September 19, 2008 (the “Settlement Payment”). In the event that

1 Wedbush should fail to make the Settlement Payment on or before September 19, 2008,
2 Acorn intends to seek any and all available remedies to enforce the court-ordered
3 settlement. It is not the intention of the parties to return the case to the trial calendar.
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II. STIPULATION

In light of the settlement of this matter, the parties, by and through their attorneys of record herein, submit their Stipulation and Proposed Order Vacating the Trial Date as follows:

- 1. The trial date of September 8, 2008 is to be vacated;**
- 2. The parties will file dismissals on or before September 24, 2008; and**
- 3. In the event that Wedbush fails to make the Settlement Payment in accordance with the terms of the so-ordered settlement of this matter, Acorn may seek any and all remedies to enforce the settlement.**

IT IS SO STIPULATED.

DATED: September 3, 2008

/s/ Susan Jacquemot
GEOFFREY POTTER
SUSAN JACQUEMOT
KRAMER LEVIN NAFTALIS & FRANKEL
LLP
Attorneys for Plaintiff
ACORN CAPITAL GROUP LLC

DATED: September 3, 2008

/s/ Garrett R. Wynne
GORDON C. YOUNG
GARRETT R. WYNNE
KEESAL, YOUNG & LOGAN
Attorneys for Defendant and Third-Party
Plaintiff
WEDBUSH MORGAN SECURITIES INC.

DATED: September 3, 2008

/s/ Max Safdie
MAX SAFDIE, *IN PRO PER*

ORDER

Based on the stipulation of the parties and good cause appearing, the Court hereby Orders as follows:

1. **The trial date of September 8, 2008 is hereby vacated;** CONTINUED to October 6, 2008. The trial date will be vacated upon the filing of the dismissals.
2. **The parties are to file dismissals on or before September 24, 2008;**
- and
3. **In the event that Wedbush fails to make the Settlement Payment in accordance with the terms of the so-ordered settlement of this matter, Acorn may seek any and all remedies to enforce the settlement.**

IT IS SO ORDERED:

Dated: September 4, 2008


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE